

2003 - 2004 LEGISLATURE

LRB-3041/16  
TNF:kmg:pg  
2 (Redraft  
maker  
has been  
run)

WANTED  
WED. 9/17

## 2003 BILL

trailer, semitrailer, or farm trailer, or  
any combination of such  
vehicles,

operated in intrastate  
transportation

- 1 AN ACT *to repeal* 341.05 (7) and (9), 341.26 (1) (f), 341.26 (3) (ar) to (g), 341.26  
2 (3m) and 341.30 (1) (e); *Ken. Cat.* **to amend** 78.21 (1) (c), 341.05 (11), 341.26 (1) (c), 341.26  
3 (3) (intro.) and 341.26 (3) (h); and **to create** 341.05 (27) of the statutes; **relating**  
4 **to:** exempting certain vehicles and vehicle combinations being ~~used~~ for  
5 agricultural purposes from vehicle registration.

### Analysis by the Legislative Reference Bureau

Under current law, certain vehicles that are operated upon the highways of this state are not required to be registered with the Department of Transportation (DOT). These vehicles include implements of husbandry, wood harvesting slashers, and certain farm tractors, trailers, and semitrailers being used ~~solely~~ for specified agricultural purposes.

This bill exempts from vehicle registration by DOT ~~any~~ motor trucks, farm trucks, truck tractors, farm truck tractors, ~~and~~ road tractors that ~~are~~ being used for agricultural purposes at the time of operating the vehicle or combination of vehicles.

farm tractor,

Under current law, no person may operate upon a highway of this state any vehicle or combination of vehicles that exceeds certain limits on size, weight, or load unless that person possesses a permit issued by DOT. This bill does not change any statutory provisions relating to such permits.

solely

This exemption applies only to vehicles being  
operated in intrastate transportation.

solely

is

**BILL**

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Insert 2-12 ✓

1 SECTION 1. 78.21 (1) (c) of the statutes is amended to read:

2 78.21 (1) (c) Operates or maintains a motor vehicle on any highway in this state  
3 with dyed fuel, unless the vehicle is a truck that is used principally for agricultural  
4 purposes and is marked with an agricultural use plate or tag or is exempt from  
5 registration under s. 341.05 (27), or unless the motor vehicle is a truck that has  
6 received the fuel in a jurisdiction that permits the introduction of dyed fuel of that  
7 color and type into the motor vehicle fuel tank of highway vehicles.

8 ~~SECTION 2. 341.05 (7) and (9) of the statutes are repealed.~~

9 ~~SECTION 3. 341.05 (11) of the statutes is amended to read:~~

10 ~~341.05 (11) The vehicle is a trailer or semitrailer permanently equipped with~~  
11 ~~a well-drilling outfit or designed for moving pea viners and used exclusively for~~  
12 ~~either of those purposes this purpose.~~

13 SECTION 4. 341.05 (27) of the statutes is created to read:

14 341.05 (27) The vehicle is a motor truck, farm truck, <sup>farm tractor,</sup> road tractor, truck tractor,  
15 ~~or farm truck tractor or such vehicle combination,~~ semitrailer, trailer, or farm  
16 trailer, being used for agricultural purposes at the time of operation of the vehicle or  
17 vehicle combination.

18 ~~SECTION 5. 341.26 (1) (c) of the statutes is amended to read:~~

19 ~~341.26 (1) (c) A trailer not used for hire and used for transporting any ditching~~  
20 ~~machine which is used exclusively for farm ditching or for the loading of gravel or~~

or any combination of such vehicles, that is being operated solely in intrastate transportation and that is

## BILL

1 ~~other road material and which has a dipper capacity of not to exceed five eighths of~~  
2 ~~a yard.~~

3 ~~SECTION 6. 341.26 (1) (f) of the statutes is repealed.~~

4 SECTION 7. 341.26 (3) (intro.) of the statutes is amended to read:

5 341.26 (3) AGRICULTURAL VEHICLES. (intro.) In Unless exempted under s.  
6 341.05, in recognition of the relationship of the basic economy of the state to  
7 agriculture and the production and marketing of milk, there shall be paid to the  
8 department for the registration of the following vehicles the fees prescribed in this  
9 subsection:

10 ~~SECTION 8. 341.26 (3) (ar) to (g) of the statutes are repealed.~~

11 ~~SECTION 9. 341.26 (3) (h) of the statutes is amended to read:~~

12 ~~341.26 (3) (h) Except as otherwise provided in par. (e), the~~ The maximum gross  
13 weight of each vehicle under this subsection shall be computed as provided in s.  
14 341.25 for the same type of vehicle.

15 ~~SECTION 10. 341.26 (3m) of the statutes is repealed.~~

16 ~~SECTION 11. 341.30 (1) (e) of the statutes is repealed.~~

17 (END)

D-NOTE

Insert 3-16

Insert 2-12 (page 1 of 3) ✓

Section #. 341.05 (7) of the statutes is amended to read:

341.05 (7) <sup>Y</sup>~~The~~ vehicle is a farm tractor used exclusively in agricultural operations, including threshing, or used exclusively to provide power to drive other machinery, or to transport from job to job machinery driven by a farm tractor.

History: 1971 c. 207; 1973 c. 90; 1977 c. 29, 43, 418; 1983 a. 50, 180, 243, 288, 538; 1985 a. 187; 1985 a. 197 s. 7; 1987 a. 349; 1991 a. 39, 316; 1993 a. 288; 1995 a. 138, 189; 1997 a. 27, 269; 1999 a. 9, 53, 85, 186.

✓  
Notwithstanding sub. (27), the

# Insert 2-12 (page 2 of 3)

Section #. 341.05 (9) of the statutes is amended to read:

341.05 (9) <sup>Y</sup>~~The~~ vehicle is a trailer or semitrailer used exclusively for the transportation of farm machinery, implements, produce or supplies on a farm or between farms.

History: 1971 c. 207; 1973 c. 90; 1977 c. 29, 43, 418; 1983 a. 50, 180, 243, 288, 538; 1985 a. 187; 1985 a. 197 s. 7; 1987 a. 349; 1991 a. 39, 316; 1993 a. 288; 1995 a. 138, 189; 1997 a. 27, 269; 1999 a. 9, 53, 85, 186.

✓  
Notwithstanding sub. (27), the

(end of insert)

Insert 2-12 (page 3 of 3)

Section #. 341.05 (11) of the statutes is amended to read:

341.05 (11) ~~The~~ vehicle is a trailer or semitrailer permanently equipped with a well-drilling outfit or designed for moving pea viners and used exclusively for either of those purposes.

History: 1971 c. 207; 1973 c. 90; 1977 c. 29, 43, 418; 1983 a. 50, 180, 243, 288, 538; 1985 a. 187; 1985 a. 197 s. 7; 1987 a. 349; 1991 a. 39, 316; 1993 a. 288; 1995 a. 138, 189; 1997 a. 27, 269; 1999 a. 9, 53, 85, 186.

Notwithstanding sub. (27), the

Insert 2-17



~~Section # 30.40 (1) of the statutes~~

~~30.40 (1) Agricultural use means~~ beekeeping; dairying; egg production; feedlots; grazing; floriculture; raising of livestock; raising of poultry; raising of fruits, nuts, and berries; raising of grains, grass, mint, and seed crops; raising of vegetables; and sod farming.

the

History: 1989 a. 31; 1991 a. 76; 1993 a. 112; 1995 a. 211, 227; 1997 a. 35.

For purposes of this subsection, "agricultural purpose" means any purpose related to

Insert 3-16

Section #. 341.26 (3m) of the statutes is amended to read:

Unless exempted under  
s. 341.05, in

341.26 (3m) FOREST PRODUCTS VEHICLES. ~~In~~ recognition of the relationship of the basic economy of the state to the forest products industry, there shall be paid to the department for the annual registration of a road tractor, motor truck or truck tractor used exclusively in connection with the transportation of raw forest products, as defined in s. 26.05 (1), or equipment that is owned or leased by the owner of the road tractor, motor truck or truck tractor and used exclusively in the production of raw forest products, a fee determined in accordance with sub. (3) (g) on the basis of maximum gross weight, except that a trailer used exclusively in connection with the transportation of raw forest products or equipment that is owned or leased by the owner of the trailer and used exclusively in the production of raw forest products may be registered upon payment of a fee which is 25% of the fee prescribed by s. 341.25 (2) for a motor truck having the same gross weight. The maximum gross weight of each vehicle registered under this subsection shall be computed in the manner specified in s. 341.25 for the same type of vehicle, except that a person who owns and operates more truck tractors than semitrailers registered by him or her within this state and used exclusively as provided in this subsection may register such an excess truck tractor at a fee specified under sub. (3) (g) determined on the basis of the weight of the truck tractor only.

History: 1971 c. 164 s. 83; 1971 c. 250; 1973 c. 200, 325, 333; 1975 c. 429; 1977 c. 23; 1977 c. 29 ss. 1431 to 1434, 1654 (7) (a); 1977 c. 145, 292, 418, 447; 1979 c. 32 ss. 69, 92 (1); 1979 c. 221; 1981 c. 20; 1983 a. 152, 175, 180, 192, 227, 270, 538; 1985 a. 120, 187; 1987 a. 106, 154, 216; 1987 a. 312 s. 17; 1987 a. 399, 403; 1989 a. 31; 1991 a. 39, 316; 1993 a. 64, 350; 1995 a. 338; 1997 a. 27, 237; 1999 a. 9, 80, 85, 142, 159.



LRB-3041/2dn  
TNF: Kmg:

DRAFTER'S NOTE

ATTN: Kathryn Scott

Please review this redraft carefully to ensure that it is consistent with your intent. Please note that this redraft amends s. 341.05 (7), (9), and (11), <sup>✓</sup>stats., <sup>✓</sup>by adding "notwithstanding" language because these exemptions do not contain an intrastate transportation limitation. Undoubtedly,            a vehicle may be exempt from registration under proposed s. 341.05 (27) <sup>✓</sup> and, for example, s. 341.05 (9), <sup>✓</sup>but I do not see any legal problems that would result from that.

TNF

## Fast, Timothy

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**From:** Scott, Kathryn  
**Sent:** Friday, September 05, 2003 3:18 PM  
**To:** Fast, Timothy  
**Subject:** RE: Draft review: LRB 03-3041/1 Topic: Vehicle registration exemption for agricultural vehicles

Thanks Tim. Sorry this took a while to get back to you.

1. Yes - the fees specified for agricultural vehicles specified in statute 341.26 (3).
2. Yes.
3. I think just stating that as long as the trailer or semitrailer is being used for an agricultural purpose, it will not need to be registered. As long as this covers a vehicles (especially semi tractors pulling tankers/semi tank combos) traveling from field to farm or from farm to field.

If you have any questions, feel free to contact me.

Katie

-----Original Message-----

**From:** Fast, Timothy  
**Sent:** Tuesday, August 26, 2003 4:06 PM  
**To:** Scott, Kathryn  
**Subject:** RE: Draft review: LRB 03-3041/1 Topic: Vehicle registration exemption for agricultural vehicles

Katie -- Greetings. Here are my answers to your questions/changes:

1. Yes, you can keep the special registration fees and I'll work that into the draft. I'm assuming you're referring to the fees for agricultural vehicles specified in s. 341.26 (3) and that you want to require owners of agricultural vehicles that will be traveling outside Wisconsin to register these vehicles so there won't be problems in the other states. If you only want to allow (but not require) these vehicles to be registered, s. 341.06 could be amended to permit optional registration.
2. Yes, consider it done.
3. Yes, I'll add trailers and semitrailers to the exemption. As long as the trailer or semitrailer is being used for an agricultural purpose, it won't need to be registered. Will that cover it? Or will transport from sales place-to-farm or non-use need to be addressed?

Thanks back to you for your help with this drafting request. Things are starting to pick up quite a bit around here so I'm glad I was able to get to it this month. Regards, Tim

-----Original Message-----

**From:** Scott, Kathryn  
**Sent:** Monday, August 25, 2003 11:01 AM  
**To:** Fast, Timothy  
**Subject:** RE: Draft review: LRB 03-3041/1 Topic: Vehicle registration exemption for agricultural vehicles

Hi Tim,

Thank you for such quick action on this legislative draft. We have a couple questions/changes...

1. Could we keep the special registration fees in section 341.26? This would be for those vehicles such as a semi with a load of corn that travels to Illinois or another state outside of Wisconsin. This way, if vehicles such as these are now included in the exemption, they would still need to pay a registration fee.
2. For defining "agricultural purpose," could we use 30.40 of the statutes, which may be more acceptable to other legislators? Defining it may eliminate, or at least minimize, cases trying to determine what is an agricultural

purpose and when is a vehicle being used for agricultural purposes.

3. This legislation eliminates the registration exemptions for farm tractors, trailers, and semitrailers used for transporting farm items on and between farms. Farm tractors would be included under "motor truck" in section 341.05, but trailers and semitrailers, would not. Could trailers and semitrailers be included in the exemption? Understanding that trailers and semitrailers will not travel the highways except with a motor vehicle, however, we may need to define whether or not they need to be registered when being transported from sales place to the farm or even when not being used.

Let me know what you think.

Katie  
Representative Jerry Petrowski

<< File: 03-30411.pdf >>

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3041/2dn  
TNF:kmg:rs

September 17, 2003

ATTN: Kathryn Scott

Please review this redraft carefully to ensure that it is consistent with your intent. Please note that this redraft amends s. 341.05 (7), (9), and (11), stats., by adding "notwithstanding" language because these exemptions do not contain an intrastate transportation limitation. Undoubtedly, a vehicle may be exempt from registration under proposed s. 341.05 (27) and, for example, s. 341.05 (9), but I do not see any legal problems that would result from that.

Timothy N. Fast  
Senior Legislative Attorney  
Phone: (608) 266-9739  
E-mail: [tim.fast@legis.state.wi.us](mailto:tim.fast@legis.state.wi.us)

## Gary, Aaron

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**From:** Scott, Kathryn  
**Sent:** Thursday, October 09, 2003 10:11 AM  
**To:** Gary, Aaron  
**Subject:** Re: LRB 03-3041/2 Vehicle registration exemption for agricultural vehicles

Aaron: These are the changes that I had sent to Tim regarding our draft.

However, I am wondering if we can simplify this even further....Could we just change the terminology of what a tractor is - specifying that it is any type of vehicle used to haul or pull feed or munure?

We would like to get this introduced as soon as possible.

If you have any questions, please feel free to contact me. Thank you!

Katie Scott  
Representative Jerry Petrowski

-----Original Message-----

**From:** Scott, Kathryn  
**Sent:** Monday, September 29, 2003 10:15 AM  
**To:** Fast, Timothy  
**Subject:** Re: LRB 03-3041/2 Vehicle registration exemption for agricultural vehicles

Hi, Tim

Thanks again for your work with this draft.

-Could we start 341.05(27) with the phrase "In addition to any other exemption, the vehicle.....," and take out the "notwithstanding for (7), (9), and (11)?"

-Could "Agricultural purpose" include driving or transporting the vehicle from point of purchase to the farm, or is that already included among the purposes "related to" those listed?

-We do not want to include commercial milk haulers, commercial semis hauling cattle, and commercial grain hauling vehicles to be exempt from registration. (Actually, we would, but feel that many legislators would have a hard time with such a far reaching exemption).

-Could we define agricultural operations to include such things as hauling from farm to field and field to farm, between fields, and between farms? (Similarly, we are hoping that this won't be considered to be too far reaching).

-Do you know of any way to ensure that these vehicles with exemptions won't be used outside of ag purposes?

Thank you! Have a great Monday.

Katie

Representative Jerry Petrowski

<< File: 03-30412.pdf >>

## Gary, Aaron

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**From:** Gary, Aaron  
**Sent:** Monday, October 13, 2003 4:09 PM  
**To:** Scott, Kathryn  
**Subject:** RE: LRB 03-3041/2 Vehicle registration exemption for agricultural vehicles

Hi Katie,

I redrafted this. I'm not sure it will be the final product of what you want, but hopefully we're getting closer. I have submitted it to editing and you should receive it this week. In response to your questions, I don't think we can really define tractor as stated, but because the focus of the draft is not really the vehicle itself but the use it is put to, I think we can simply use the term "vehicle." This point and the other points you raise in your e-mail are dealt with in the draft, so I'll just let you look at that when it arrives. With regard to your last question, I guess the question here is one of feasibility of enforcement - the draft only exempts vehicles while they are being used for ag purposes, so under the draft, I think that a vehicle that is sometimes not used for ag purposes would have to be registered in the ordinary fashion because of the way registration works (ie you register annually and you need to register if during any part of the year you operate a vehicle in the manner requiring registration, even if at other times you operate the vehicle in a manner in which no registration is required, such as an off-road vehicle). So a person who uses a vehicle outside of ag purposes without properly registering the vehicle is running the risk of violating s. 341.04 - the question being how well DOT and local governments can enforce this and therefore how big the risk to the person would be. If you wanted to change the balance of things, and create a bigger incentive for people to comply with this law, you could require, as a pre-condition of obtaining the exemption under s. 341.05 (27), that the person notify DOT of when the vehicle is used for ag purposes, and then create a very severe penalty under s. 341.04 for those who claim the exemption and then violate the law by operating for other than ag purposes.

After you have a chance to look the redraft over, let me know if you want any changes. Aaron

Aaron R. Gary  
*Legislative Attorney*  
*Legislative Reference Bureau*  
608.261.6926 (voice)  
608.264.6948 (fax)  
aaron.gary@legis.state.wi.us

-----Original Message-----

**From:** Scott, Kathryn  
**Sent:** Thursday, October 09, 2003 10:11 AM  
**To:** Gary, Aaron  
**Subject:** Re: LRB 03-3041/2 Vehicle registration exemption for agricultural vehicles

Aaron: These are the changes that I had sent to Tim regarding our draft.

However, I am wondering if we can simplify this even further....Could we just change the terminology of what a tractor is - specifying that it is any type of vehicle used to haul or pull feed or munure?

We would like to get this introduced as soon as possible.

If you have any questions, please feel free to contact me. Thank you!

Katie Scott  
Representative Jerry Petrowski

-----Original Message-----

**From:** Scott, Kathryn  
**Sent:** Monday, September 29, 2003 10:15 AM  
**To:** Fast, Timothy  
**Subject:** Re: LRB 03-3041/2 Vehicle registration exemption for agricultural vehicles

Hi, Tim

Thanks again for your work with this draft.

-Could we start 341.05(27) with the phrase "In addition to any other

exemption, the vehicle.....," and take out the "notwithstanding for (7), (9), and (11)?

-Could "Agricultural purpose" include driving or transporting the vehicle from point of purchase to the farm, or is that already included among the purposes "related to" those listed?

-We do not want to include commercial milk haulers, commercial semis hauling cattle, and commercial grain hauling vehicles to be exempt from registration. (Actually, we would, but feel that many legislators would have a hard time with such a far reaching exemption).

-Could we define agricultural operations to include such things as hauling from farm to field and field to farm, between fields, and between farms? (Similarly, we are hoping that this won't be considered to be too far reaching).

-Do you know of any way to ensure that these vehicles with exemptions won't be used outside of ag purposes?

Thank you! Have a great Monday.

Katie

Representative Jerry Petrowski

<< File: 03-30412.pdf >>



State of Wisconsin  
2003 - 2004 LEGISLATURE

Needed  
by 10/16  
end of day

LRB-3041 3

TNF/kmg:rs

ARC

RMA

2003 BILL

D-Note

Gen. Cat.

- 1 AN ACT *to amend* 78.21 (1) (c), 341.05 (7), 341.05 (9), 341.05 (11), 341.26 (3)  
2 (intro.) and 341.26 (3m); and *to create* 341.05 (27) of the statutes; **relating to:**  
3 exempting certain vehicles ~~and vehicle combinations~~ being operated in  
4 intrastate transportation for agricultural purposes from vehicle registration.

*Analysis by the Legislative Reference Bureau*

Under current law, certain vehicles that are operated upon the highways of this state are not required to be registered with the Department of Transportation (DOT). These vehicles include implements of husbandry, wood harvesting slashers, and certain farm tractors, trailers, and semitrailers being used solely for specified agricultural purposes.

This bill exempts from vehicle registration by DOT any ~~motor truck, farm truck, farm tractor, truck tractor, farm truck tractor, road tractor trailer, semitrailer, or farm trailer, or any combination of such vehicles~~ <sup>vehicle</sup> that is being used for agricultural purposes at the time of operating the vehicle or ~~vehicle combination~~. This exemption applies only to vehicles being operated solely in intrastate transportation.

Under current law, no person may operate upon a highway of this state any vehicle or combination of vehicles that exceeds certain limits on size, weight, or load unless that person possesses a permit issued by DOT. This bill does not change any statutory provisions relating to such permits.

ANAL



**BILL**

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1        **SECTION 1.** 78.21 (1) (c) of the statutes is amended to read:

2        78.21 (1) (c) Operates or maintains a motor vehicle on any highway in this state  
3        with dyed fuel, unless the vehicle is a truck that is used principally for agricultural  
4        purposes and is marked with an agricultural use plate or tag or is exempt from  
5        registration under s. 341.05 (27), or unless the motor vehicle is a truck that has  
6        received the fuel in a jurisdiction that permits the introduction of dyed fuel of that  
7        color and type into the motor vehicle fuel tank of highway vehicles.

8        **SECTION 2.** 341.05 (7) of the statutes is amended to read:

9        341.05 (7) The Notwithstanding sub. (27), the vehicle is a farm tractor used  
10       exclusively in agricultural operations, including threshing, or used exclusively to  
11       provide power to drive other machinery, or to transport from job to job machinery  
12       driven by a farm tractor.

13       **SECTION 3.** 341.05 (9) of the statutes is amended to read:

14       341.05 (9) The Notwithstanding sub. (27), the vehicle is a trailer or semitrailer  
15       used exclusively for the transportation of farm machinery, implements, produce or  
16       supplies on a farm or between farms.

17       **SECTION 4.** 341.05 (11) of the statutes is amended to read:

18       341.05 (11) The Notwithstanding sub. (27), the vehicle is a trailer or  
19       semitrailer permanently equipped with a well-drilling outfit or designed for moving  
20       pea viners and used exclusively for either of those purposes.

21       **SECTION 5.** 341.05 (27) of the statutes is created to read:

Insert  
2-21

**BILL**

1 341.05 (27) The vehicle is a motor truck, farm truck, farm tractor, road tractor,  
2 truck tractor, farm truck tractor, semitrailer, trailer, or farm trailer, or any  
3 combination of such vehicles, that is being operated solely in intrastate  
4 transportation and that is being used for agricultural purposes at the time of  
5 operation of the vehicle or vehicle combination. For purposes of this subsection,  
6 “agricultural purpose” means any purpose related to beekeeping; dairying; egg  
7 production; feedlots; grazing; floriculture; the raising of livestock; the raising of  
8 poultry; the raising of fruits, nuts, and berries; the raising of grains, grass, mint, and  
9 seed crops; the raising of vegetables; and sod farming.

10 **SECTION 6.** 341.26 (3) (intro.) of the statutes is amended to read:

11 341.26 (3) AGRICULTURAL VEHICLES. (intro.) ~~In Unless exempted under s.~~  
12 ~~341.05, in~~ recognition of the relationship of the basic economy of the state to  
13 agriculture and the production and marketing of milk, there shall be paid to the  
14 department for the registration of the following vehicles the fees prescribed in this  
15 subsection:

16 **SECTION 7.** 341.26 (3m) of the statutes is amended to read:

17 341.26 (3m) FOREST PRODUCTS VEHICLES. ~~In Unless exempted under s. 341.05,~~  
18 ~~in~~ recognition of the relationship of the basic economy of the state to the forest  
19 products industry, there shall be paid to the department for the annual registration  
20 of a road tractor, motor truck or truck tractor used exclusively in connection with the  
21 transportation of raw forest products, as defined in s. 26.05 (1), or equipment that  
22 is owned or leased by the owner of the road tractor, motor truck or truck tractor and  
23 used exclusively in the production of raw forest products, a fee determined in  
24 accordance with sub. (3) (g) on the basis of maximum gross weight, except that a  
25 trailer used exclusively in connection with the transportation of raw forest products

**BILL**

1 or equipment that is owned or leased by the owner of the trailer and used exclusively  
2 in the production of raw forest products may be registered upon payment of a fee  
3 which is 25% of the fee prescribed by s. 341.25 (2) for a motor truck having the same  
4 gross weight. The maximum gross weight of each vehicle registered under this  
5 subsection shall be computed in the manner specified in s. 341.25 for the same type  
6 of vehicle, except that a person who owns and operates more truck tractors than  
7 semitrailers registered by him or her within this state and used exclusively as  
8 provided in this subsection may register such an excess truck tractor at a fee  
9 specified under sub. (3) (g) determined on the basis of the weight of the truck tractor  
10 only.

11

(END)

D. Note

2003-2004 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3041/3ins  
ARG:.....

INSERT ANAL: ✓

(c) (P) that is being operated from its point of purchase to the operator's farm. ("Agricultural purpose" means transporting agricultural products or farm supplies to or from a farm, field, or storage or processing facility, but does not include the transportation by a motor carrier of dairy products, grain, or cattle

INSERT 2-21: ✓

341.05 (27) Notwithstanding any other provision of this section and s. 341.26

(3) except sub. (3) (c) to (f), the vehicle is being operated solely in intrastate transportation and is being used for agricultural purposes at the time of operation of the vehicle or is being operated from its point of purchase to the operator's farm.

~~For purposes of~~ In this subsection, "agricultural purpose" includes transporting agricultural products or farm supplies to or from a farm, field, or storage or processing facility, but does not include the transportation by a common motor carrier or contract motor carrier of dairy products, grain, or cattle.

→ (intro.), (a) to (b), ~~and~~ (g), and (h)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3041/3dn

ARG: /:....

*King*

ATTN: Katie Scott

Please review the attached draft carefully to ensure that it is consistent with your intent.

In the definition of "agricultural purpose" in created s. 341.05 (27), I ~~have~~ used the word "includes" rather than the word "means." The effect of this distinction is that the definition merely provides guidance; it is not necessarily limiting. Thus, the definition remains rather broad. If you would like to limit the definition to only what is stated, we could redraft to replace the word "includes" with the word "means," or, even better, we could remove the definition and put the text of the definition in the sentence above it.

Aaron R. Gary  
Legislative Attorney  
Phone: (608) 261-6926  
E-mail: aaron.gary@legis.state.wi.us

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3041/3dn  
ARG:kmg:ch

October 14, 2003

ATTN: Katie Scott

Please review the attached draft carefully to ensure that it is consistent with your intent.

In the definition of "agricultural purpose" in created s. 341.05 (27), I used the word "includes" rather than the word "means." The effect of this distinction is that the definition merely provides guidance; it is not necessarily limiting. Thus, the definition remains rather broad. If you would like to limit the definition to only what is stated, we could redraft to replace the word "includes" with the word "means," or, even better, we could remove the definition and put the text of the definition in the sentence above it.

Aaron R. Gary  
Legislative Attorney  
Phone: (608) 261-6926  
E-mail: [aaron.gary@legis.state.wi.us](mailto:aaron.gary@legis.state.wi.us)

10/20/03

03-3041

H. - / K. H. -

- make new charges on p. 2 @ 1.14 ?

Δ: " or farm equipment or "

take out: " or storage or processing facility "



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-3041/4 4

TNF&ARG:kmg:ch

seen  
turned  
in 10/20

RMR

2003 BILL

- 1 AN ACT *to amend* 78.21 (1) (c); and *to create* 341.05 (27) of the statutes; **relating**  
2 **to:** exempting certain vehicles being operated in intrastate transportation for  
3 agricultural purposes from vehicle registration.

*Analysis by the Legislative Reference Bureau*

equipment or

Under current law, certain vehicles that are operated upon the highways of this state are not required to be registered with the Department of Transportation (DOT). These vehicles include implements of husbandry, wood harvesting slashers, and certain farm tractors, trailers, and semitrailers being used solely for specified agricultural purposes.

This bill exempts from vehicle registration by DOT any vehicle that is being used for agricultural purposes at the time of operating the vehicle or that is being operated from its point of purchase to the operator's farm. "Agricultural purpose" means transporting agricultural products or farm supplies to or from a farm/field, ~~or storage or processing facilities~~, but does not include the transportation by a motor carrier of dairy products, grain, or cattle. This exemption applies only to vehicles being operated solely in intrastate transportation.

Under current law, no person may operate upon a highway of this state any vehicle that exceeds certain limits on size, weight, or load unless that person possesses a permit issued by DOT. This bill does not change any statutory provisions relating to such permits.



# BILL

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 78.21 (1) (c) of the statutes is amended to read:

78.21 (1) (c) Operates or maintains a motor vehicle on any highway in this state with dyed fuel, unless the vehicle is a truck that is used principally for agricultural purposes and is marked with an agricultural use plate or tag or is exempt from registration under s. 341.05 (27), or unless the motor vehicle is a truck that has received the fuel in a jurisdiction that permits the introduction of dyed fuel of that color and type into the motor vehicle fuel tank of highway vehicles.

**SECTION 2.** 341.05 (27) of the statutes is created to read:

341.05 (27) Notwithstanding any other provision of this section and s. 341.26 (3) (intro.), (a) to (b), (g), and (h), the vehicle is being operated solely in intrastate transportation and is being used for agricultural purposes at the time of operation of the vehicle or is being operated from its point of purchase to the operator's farm. In this subsection, "agricultural purpose" includes transporting agricultural products or farm <sup>equipment or</sup> supplies to or from a farm, <sup>or</sup> field, ~~or storage or processing facility,~~ but does not include the transportation by a common motor carrier or contract motor carrier of dairy products, grain, or cattle.

**(END)**

10/21

Stuart - Sen. Carpenter - VM 6-8535  
- AB602  
- wants the Blachis amendment as a Senate amendment

10/22/03

He w/ Kate 304/

- wants bill to specify manure handlers as exempt even if manure is being handled as waste and not as fertilizer → maybe add it in w/ ag definition



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-3041/15

TNF&ARG:kmg:rs

needed by  
Fri. 10/24  
end of day

RMR

2003 BILL

Ym. Cat.

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, or manure

# BILL

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**(END)**

11/12/03

3:30

Kate →

3041 →

take out → " of dairy products  
grain or cattle "



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-3041/6

TNF&ARG:kmg:ch

Needed  
by 11/13  
end of day

RMR

2003 BILL

- 1 AN ACT *to amend* 78.21 (1) (c); and *to create* 341.05 (27) of the statutes; relating  
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*Analysis by the Legislative Reference Bureau*

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7  
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**BILL**

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5 registration under s. 341.05 (27), or unless the motor vehicle is a truck that has  
6 received the fuel in a jurisdiction that permits the introduction of dyed fuel of that  
7 color and type into the motor vehicle fuel tank of highway vehicles.

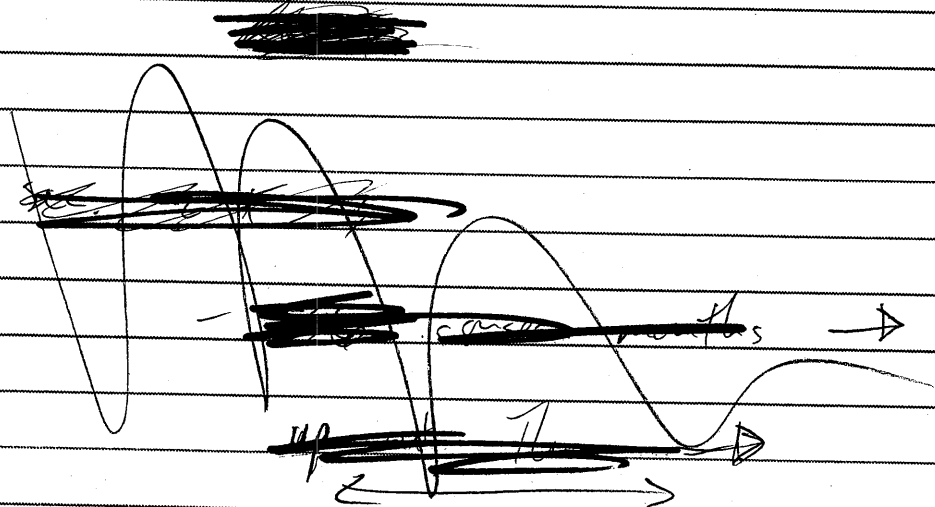
8       **SECTION 2.** 341.05 (27) of the statutes is created to read:

9       341.05 (27) Notwithstanding any other provision of this section and s. 341.26  
10 (3) (intro.), (a) to (b), (g), and (h), the vehicle is being operated solely in intrastate  
11 transportation and is being used for agricultural purposes at the time of operation  
12 of the vehicle or is being operated from its point of purchase to the operator's farm.  
13 In this subsection, "agricultural purpose" includes transporting agricultural  
14 products, farm equipment or supplies, or manure to or from a farm or field, but does  
15 not include ~~the~~ transportation by a common motor carrier or contract motor carrier

16 ~~of dairy products, grain, or cattle.~~

17 (END)

Item 3.1 above.



6-1182

11/13

tlc w/ Katie

- make it narrower

add →

✓ used "exclusively" for a purposes

\* ⇒ - make it specific to farmers →  
used only by farmers

- 2 pictures → will send by  
inter - 11

talk to RCT



## Gary, Aaron

---

**From:** Gary, Aaron  
**Sent:** Friday, November 14, 2003 10:56 AM  
**To:** Scott, Kathryn  
**Subject:** LRB-3041 redraft (to LRB-3041/7)

Hi Katie,

Based upon our conversation yesterday, I suggest the following modifications at p. 2 lines 9 to 12 (changes are italicized): "Notwithstanding ..., the vehicle is being operated *by a farmer, as defined in s. 340.01 (18) (b)*, solely in intrastate transportation and is being used *exclusively* for agricultural purposes at the time of operation of the vehicle or is being operated *by a farmer, as defined in s. 340.01 (18) (b)*, from its point of purchase to the operator's farm." The definition just after this on lines 13 to 15 would stay the same.

I note that in various places in the DOT chapters of the statutes, treatment of the vehicle is tied to operation or ownership by a farmer, without exact definition of what constitutes a farmer, but with limiting language that is somewhat similar to the "agricultural purpose" limiting language here. See, for example, the definitions of "dual purpose farm truck" and "farm trailer" in s. 340.01 (15n), (17). However, for definitions of "farm truck" and "farm truck tractor", which includes an element of ownership or operation by a farmer, there is a definition of "farmer." See s. 340.01 (18) (a) 1. and 2. and (b) and (18g).

Aaron

Aaron R. Gary  
Legislative Attorney  
Legislative Reference Bureau  
608.261.6926 (voice)  
608.264.6948 (fax)  
aaron.gary@legis.state.wi.us

## Gary, Aaron

---

**From:** Frazier, Carson  
**Sent:** Tuesday, November 18, 2003 10:30 AM  
**To:** Scott, Kathryn; Gary, Aaron  
**Cc:** Brumund, Lorelee; Nilsen, Paul; Romanski, Randy; Klein, Rose  
**Subject:** RE: Bill Redraft LRB-3041/6

Hi Katie and Aaron:

Rep. Petrowski told us that he wants to exempt the truck tractor that is pulling the semi-trailer that is hauling liquid manure, from field to field or farm (you have the pictures he showed us). He wants it only for farmers, and he said he wants to make it narrow, he doesn't want it opened up for widespread use.

We think this could be accomplished using the term "farm truck tractor." This vehicle is defined very specifically -- it must be owned or leased by a farmer and has use constraint that incorporates the use that Rep. Petrowski envisions.

So, we suggest: page 2, line 9: delete that whole provision and say this:

341.05(27) A farm truck tractor being operated solely in intrastate transportation and is transporting manure to or from a farm or field at the time of operation. This subsection does not apply to transportation by a common motor carrier or contract motor carrier.

This would mean that a farm truck tractor would only be exempt from registration if, any time it is operating on a highway, it must be transporting manure. If the farm truck tractor transports anything else, it is subject to registration -- which, by the way, is a special reduced registration fee of just 25% the amount of any regularly registered truck tractor.

Also, this would help enforcement know whether the truck tractor is subject to registration or not.

Finally, this would minimize the revenue loss to the Transportation Fund, because it allows the exemption very narrowly for the vehicles that Rep. Petrowski is interested in. We are concerned about the loss of not only registration fees but also fuel tax, as the bill would also exempt these vehicles from fuel tax. As you know, in today's fiscal climate, we have concerns about any bill that reduces revenue.

-----Original Message-----

**From:** Scott, Kathryn  
**Sent:** Friday, November 14, 2003 2:49 PM  
**To:** Frazier, Carson; Brumund, Lorelee  
**Subject:** Bill Redraft

Carson and Lorelee,

The drafter would prefer to make changes to the draft and only hold a meeting if it is necessary.

These are the suggested changes to the draft (changes are italicized):

The following modifications at p. 2 lines 9 to 12 "Notwithstanding ..., the vehicle is being operated *by a farmer, as defined in s. 340.01 (18) (b)*, solely in intrastate transportation and is being used *exclusively* for agricultural purposes at the time of operation of the vehicle or is being operated *by a farmer, as defined in s.*

340.01 (18) (b), from its point of purchase to the operator's farm." The definition just after this on lines 13 to 15 would stay the same.

I have attached for you a copy of the latest draft that these changes would be made on.

Do you have any concerns or suggestions with these changes?

Thank you,

Katie

Representative Jerry Petrowski

<< File: 03-30416.pdf >>

**Gary, Aaron**

---

**From:** Scott, Kathryn  
**Sent:** Wednesday, November 19, 2003 10:46 AM  
**To:** Gary, Aaron  
**Subject:** Bill Draft

Hi Aaron,

Regarding LRB draft 3041.....we would like to implement most of the DOT suggestion, with a slight change:

Page 2, Section 2 of the draft to read:

The vehicle is a farm truck tractor being operated solely in intrastate transportation and is transporting manure, grains, silage, or haylage to or from a farm or field at the time of operation. This subsection does not apply to transportation by a common motor carrier or contract motor carrier.

Please let me know if you have any questions.

Thank you,  
Katie  
Representative Jerry Petrowski



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-3041/7

TNF&ARG:kmg:jf

needed  
by 11/21  
end of day

RMC

2003 BILL

farm truck tractor operated solely in intrastate transportation to transport manure, grains, silage, or haylage to or from a farm or field. This exemption does not apply to

Men. Cat.

- 1 AN ACT to amend 78.21 (1) (c); and to create 341.05 (27) of the statutes; relating  
2 to: exempting ~~certain vehicles~~ farm truck tractors being operated in intrastate transportation for  
3 certain agricultural purposes from vehicle registration.

Analysis by the Legislative Reference Bureau

Under current law, certain vehicles that are operated upon the highways of this state are not required to be registered with the Department of Transportation (DOT). These vehicles include implements of husbandry, wood harvesting slashers, and certain farm tractors, trailers, and semitrailers being used solely for specified agricultural purposes.

This bill exempts from vehicle registration by DOT any ~~vehicle that is being used for agricultural purposes at the time of operating the vehicle or that is being operated from its point of purchase to the operator's farm. "Agricultural purpose" means transporting agricultural products, farm equipment or supplies, or manure to or from a farm or field, but does not include transportation by a motor carrier. This exemption applies only to vehicles being operated solely in intrastate transportation.~~

Under current law, no person may operate upon a highway of this state any vehicle that exceeds certain limits on size, weight, or load unless that person possesses a permit issued by DOT. This bill does not change any statutory provisions relating to such permits.

**BILL**

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SECTION 2. 341.05 (27) of the statutes is created to read:

341.05 (27) Notwithstanding ~~any other provision of this section and~~ s. 341.26 (3) ~~under (a) to (d) and (e)~~, <sup>(a)</sup> the vehicle is <sup>a farm truck tractor</sup> being operated solely in intrastate transportation and is ~~being used for agricultural purposes~~ at the time of operation of the vehicle or is ~~being operated from its point of purchase to the operator's farm.~~ This subsection, ~~"agricultural purpose"~~ includes ~~transporting agricultural products, farm equipment or supplies, or manure to or from a farm or field~~ <sup>that does not</sup> ~~not~~ <sup>apply to</sup> transportation by a common motor carrier or contract motor carrier.

(END)

transporting manure, grains, silage, or  
haylage to or from a farm or field

## Gary, Aaron

---

**From:** Gary, Aaron  
**Sent:** Tuesday, November 25, 2003 3:59 PM  
**To:** Scott, Kathryn  
**Subject:** LRB-3041 redraft

Katie,

Would the following work, replacing p. 2, line 4 of LRB-3041/7: "manure, grains, silage, haylage, or equipment between fields or between a farm and a field at the time of operation or is being operated from its point of purchase to the operator's farm."

Please let me know if this is ok, and if not, what you want different? Thanks. Aaron

Aaron R. Gary  
Legislative Attorney  
Legislative Reference Bureau  
608.261.6926 (voice)  
608.264.6948 (fax)  
aaron.gary@legis.state.wi.us

11/25

H/c w/ Katie

This looks good.

ARG



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-3041/8

TNF&ARG:kmg:pg

KMR

Needed  
by 11/26  
end of day

2003 BILL

, or equipment between ~~between~~ fields or between a farm and a field or is being operated from its point of purchase to the operator's farm

- 1 AN ACT to create 341.05 (27) of the statutes; relating to: exempting farm truck  
2 tractors being operated in intrastate transportation for certain agricultural  
3 purposes from vehicle registration.

that is transporting

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This subsection does not apply to transportation by a common motor carrier or contract motor carrier.

**(END)**

, or equipment between fields ~~between~~ or between  
a farm and a

or is being operated from its point of purchase to the operator's <sup>own</sup> farm

**Emery, Lynn**

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**From:** Scott, Kathryn  
**Sent:** Monday, December 15, 2003 11:50 AM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 03-3041/8 Topic: Vehicle registration exemption for agricultural vehicles

It has been requested by <Scott, Kathryn> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-3041/8 Topic: Vehicle registration exemption for agricultural vehicles